

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

United States of America ex rel.	:	
John N. Kramer, D.D.S.	:	Case No. 1:18-cv-373
	:	Judge Douglas R. Cole
Plaintiff and Relator,	:	
	:	
v.	:	
	:	
Robert A. Doyle, Jr., D.M.D., et al.	:	
	:	
Defendants.	:	
	:	

---

**PLAINTIFF’S MOTION FOR LEAVE TO FILE UNDER SEAL DOCUMENT  
DESIGNATED BY DEFENDANTS AS CONFIDENTIAL**

---

Plaintiff–Relator’s False Claims Act complaint alleges that, on or before 2015 to the present, CDC Martins Ferry, LLC and CDC Steubenville, LLC (collectively, “**CDC Defendants**”) submitted or caused submission of false claims to Ohio Medicaid for dental procedures that were medically unnecessary or for which the individual who performed the procedure was not properly licensed. (Doc. 37, Third Amended Complaint). The CDC Defendants recently produced to the Plaintiff an Asset Purchase Agreement which shows that the CDC Defendants sold their Complete Dental Care dentistry practice to North American Dental Management, LLC (“**NADM**”) and Professional Dental Alliance, LLC (“**PDA**”) on November 14, 2018. The CDC Defendants designated the Asset Purchase Agreement as “Confidential – Attorney’s Eyes Only” under the parties’ Stipulated Protective Order which was signed by the Court on February 28, 2020 (Doc. 58). In addition to making this designation, the CDC Defendants redacted portions of the Asset Purchase Agreement produced to Plaintiff.

After receiving the Asset Purchase Agreement, Plaintiff raised with the Court at the October 7, 2022 status conference that the proper parties to this action may not be before the

Court. The Court permitted Plaintiff to file a motion related to adding any new or different defendants by November 21, 2022. Plaintiff intends to cite to the Asset Purchase Agreement in support of his motion.

In accordance with S.D. Ohio Civ. R. 5.2.1, the Court's Standing Order, and the Protective Order (Doc. 58), Plaintiff moves the Court for leave to file the Asset Purchase Agreement under seal because the CDC Defendants designated the document as "Confidential – Attorney's Eyes Only." The CDC Defendants are the "Designating Party" of the Asset Purchase Agreement under paragraph 11 of the Protective Order (Doc. 58).

Per the Protective Order and Court's Standing Order, a hard copy of the Asset Purchase Agreement and a courtesy copy of this motion will be provided to chambers.

Date: November 17, 2022

Respectfully submitted,

/s B. Nathaniel Garrett

James B. Helmer, Jr. (0002878)

James A. Tate (0085319)

B. Nathaniel Garrett (0090939)

HELMER, MARTINS, TATE &

GARRETT Co., LPA

1745 Madison Road

Cincinnati, OH 45206

Telephone: (513) 421-2400

Fax: (513) 421-7902

Email: jhelmer@fcalawfirm.com

jtate@fcalawfirm.com

ngarrett@fcalawfirm.com

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on November 17, 2022, a copy of the foregoing was filed electronically with the Clerk of this Court using the CM/ECF system, which will send notification of such filing to all counsel of record to this action.

s/ B. Nathaniel Garrett

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

United States of America ex rel.	:	
John N. Kramer, D.D.S.	:	Case No. 1:18-cv-373
	:	Judge Douglas R. Cole
Plaintiff and Relator,	:	
	:	
v.	:	<b>[PROPOSED] ORDER GRANTING</b>
	:	<b>PLAINTIFF'S MOTION FOR LEAVE</b>
	:	<b>TO FILE UNDER SEAL DOCUMENT</b>
Robert A. Doyle, Jr., D.M.D., et al.	:	<b>DESIGNATED BY DEFENDANTS AS</b>
	:	<b>CONFIDENTIAL</b>
Defendants.	:	
	:	

---

This matter comes before the Court on Plaintiff John N. Kramer, D.D.S.'s Motion for Leave to File Under Seal Document Designated by Defendants as Confidential. Upon due consideration, the Court GRANTS the Motion.

**SO ORDERED.**

---

**DATE**

---

**DOUGLAS R. COLE  
UNITED STATES DISTRICT JUDGE**